

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
v.) Case No. 2:17cr482-MHT-SMD
CYRUS PHYFIER)

ORDER

Pending before the undersigned is Defendant's Amended Motion to Suppress Evidence Found in the Search of 4132 Carmichael Road, Apartment 219 (Doc. 391), filed February 24, 2019, and Defendant's Amended Motion to Suppress Evidence Found in the Search of 4132 Carmichael Road, Apartment 219 (Doc. 406), filed March 15, 2019. Upon review, the motions appear to be the exact same.

On March 4, 2019, the undersigned entered an order (Doc. 394) affording Defendant the opportunity to file objections out of time to the undersigned's Recommendations (Docs. 380, 381) that Defendant's original Motions to Suppress (Docs. 338, 339) be denied. However, the additional time extended to Defendant for filing objections to those Recommendations has now passed, and Defendant has filed no objection.

In that same March 4th order, the undersigned denied Defendant's request to file out-of-time his proposed Amended Motion to Suppress Title III Intercepts (Doc. 390) but granted his request to file out-of-time his proposed Amended Motion to Suppress Evidence Found in the Search of 4132 Carmichael Road, Apartment 219 (Doc. 391). *See generally* (Doc. 394). As to Defendant's Amended Motion to Suppress Evidence Found in the Search

of 4132 Carmichael Road, Apartment 219 (Doc. 391), the undersigned ordered the Government to show cause, on or before March 11, 2019, why the motion should not be granted. *Id.* at 5. The Government has not filed a response opposing the motion.

Upon consideration of Defendant's refiled Amended Motion to Suppress Evidence Found in the Search of 4132 Carmichael Road, Apartment 219 (Doc. 406), it is

ORDERED that the motion is DENIED. Defendant's original Amended Motion to Suppress Evidence Found in the Search of 4132 Carmichael Road, Apartment 219 (Doc. 391), which is the same as the refiled motion (Doc. 406), remains pending. It is further

ORDERED that, if the Government intends to file an opposition to Defendant's amended motion to suppress, it shall, on or before March 26, 2019, move to file such opposition out-of-time. If the Government does not intend to oppose Defendant's amended motion to suppress, it shall file a notice with the court so stating on or before March 25, 2019.

DONE this 22nd day of March, 2019.

/s/ Stephen M. Doyle
UNITED STATES MAGISTRATE JUDGE